

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 11, 2013

**Elisabeth A. Shumaker
Clerk of Court**

JOHNSON & JOHNSON; ETHICON,
INC.,

Petitioners,

v.

No. 13-610
(D.C. No. 5:13-CV-00834-L)

DIANA WADE; CHERYLE
THORNABAR; MONA SWOFFORD;
CRUZE TALAVERSA; SHIRLEY
TANNER; ELIZABETH TARIN;
CATHERINE TARR; HEATHER
TASSIER; KARRIE TEMPLEMAN;
BLANCA TERRY; TERRY THOMAS;
CONNIE THURMOND; SCOTT
THURMOND; LILLIAN TREVINO
TILLIS; COLLEEN TODD; LESLIE
VANASKEY; JULIE ANN
VANDESTOUWE; SARA VICTORA;
TONYA VOGT; CAROL WAGNER;
PAM WALKER; CAROL WARNER;
GLENA WATSON; JANET WEBB;
TERRI WEBB; CARRIE WHITE;
TERESA WHITELEY; JANICE
WHITLOCK; DOROTHY WIGGINS;
SANDRA WILKINSON; ANNELLE
WILLARD; DESTINY A. WILLEY;
LEELLEN WILLIAMS; KEWANDA
WILLIAMS; CATHY WILSON; VENUS
WITT; GERALDINE WOLF; MARY
WOOD; CHRISTINE WOODROW;
DARIA WORLEY; TERESA WRIGHT;
PAULETTE WRIGHT; TREND A
WRIGHT; JANICE WRIGHT; GUSSIE
KELLY WYATT; PANSY WYNN;
DEBORAH YOUNG; HILDA ZAMORA;
E LOUISE ZELLER,

Respondents.

ORDER

Before **HARTZ, O'BRIEN**, and **BACHARACH**, Circuit Judges.

This matter is before the court on the Defendants-Petitioners Johnson & Johnson and Ethicon, Inc.'s Petition for Permission to Appeal. The plaintiffs filed a response opposing the petition.

The defendants filed a motion seeking leave to file a reply brief, which included a proposed reply brief. The motion to file a reply brief is granted. The reply brief shall be filed as of the date it was received.

Upon consideration of the pleadings and the applicable law, the petition for permission to appeal is GRANTED.

Within 14 days of the date of this order, the petitioner shall pay the required appellate filing fees to the district court. *See* Fed. R. App. P. 5(d)(1). Once the fees have been paid, the clerk of the district court shall notify this court. At that time, a new appeal number will be assigned, and the appeal shall be entered on this court's docket. *See id.* 5(d)(3). The date of this order shall be deemed the date for filing the notice of appeal. *See id.* 5(d)(2).

The parties will be advised of scheduling matters once the new appeal has been opened.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a long horizontal flourish.

ELISABETH A. SHUMAKER, Clerk